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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/824,570 Confirmation No. : 8702
First Named Inventor : Christof EBERSPAECHER
Filed : April 3, 2001
TC/A.U. : 1775
Examiner : JASON L. SAVAGE
Docket No. : 225/49834
Customer No. : 23911

Title : Synchronizer Ring

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is filed in order to (1) address the new ground of rejection set forth on page 3 of the Examiner's Answer dated August 29, 2005, and (2) address modified arguments set forth on pages 5, 7, and 8 of the Examiner's Answer. It is hereby requested that this appeal be maintained pursuant to 37 C.F.R. 41.39(b)(2).

NEW GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The new ground of rejection to be reviewed is the rejection of claims 1 and 56 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 5,249,661 to Kawamura et al.

ARGUMENT

(1) The rejection of claims 1 and 56 based on the Kawamura et al. patent is erroneous and should be reversed. The synchronizer ring discussed in lines

24-28 in column 2 of the Kawamura et al. patent is not the same as the synchronizer ring discussed in the “COMPARATIVE EXAMPLE 1” section of the Kawamura et al. patent. The synchronizer ring discussed in column 2, lines 24-28 of the Kawamura et al. patent is one that does not include a tribological coating which is permitted to be over 30% and up to 40% by weight of a solid lubricant and which, apparently, does not have a solid lubricant with a particle size of no more than approximately 180 μm as independent claim 1 requires. The synchronizer ring discussed in the “COMPARATIVE EXAMPLE 1” section of the Kawamura et al. patent has a composition with a ceramic addition rate of 35 weight %, an unknown material powder or ceramics addition particle size, and an unknown flame-coated film porosity. Neither of these synchronizer ring configurations, therefore, is one including a tribological coating which is permitted to be over 30% and up to 40% by weight of a solid lubricant, which has a particle size of no more than approximately 180 μm , and which has a porosity of up to approximately 30% as claim 1 defines, and neither configuration anticipates claim 1. Claim 56 depends on claim 1 and is also not anticipated by the Kawamura et al. patent.

(2) On pages 5, 7, and 8 of the Examiner’s Answer, the Examiner now asserts that one of ordinary skill in the art “would find it obvious to go over 30 wt% to achieve a desired benefit such as increasing the dynamic friction coefficient.” The dynamic friction coefficient, however, would decrease rather than increase as a result of the Examiner’s suggestion to “go over 30 wt%,” and the rationale set forth by the Examiner is not logical. Again, moreover, as has

been repeatedly noted during prosecution of this application, the clear teaching provided by lines 30-35 in column 4 of the Kawamura et al. patent serves to rebut any possible presumption that the "over 30% and up to 40% by weight" range specified by claim 1 of the present application is obvious in view of the Kawamura et al. patent.

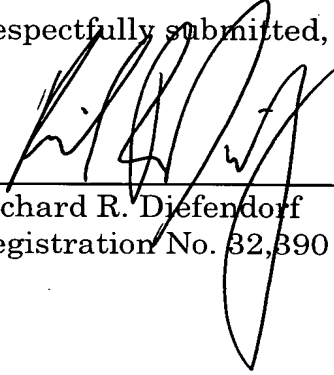
CONCLUSION

For reasons discussed above, the new rejection of claims 1 and 56 under 35 U.S.C. § 102(b) is erroneous and should be reversed, and the modified arguments set forth on pages 5, 7, and 8 of the Examiner's Answer are erroneous.

No fee should be required for filing this Reply Brief. If a fee is in fact required, the Commissioner is hereby authorized to charge that fee, or credit any overpayment of fees, to Deposit Account No. 05-1323 (Docket No. 225/49834).

Respectfully submitted,

Date: October 20, 2005



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